S.B. CIVIL WRIT PETITION NO.5651/2004

Mahendra Kabra
VS
Murlidhar Agarwal & Ors.

DATE OF ORDER: 22.3.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. M.S.Purohit, for the petitioner.
Mr. Shailendra Kala, for the respondent.

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Heard learned counsel for the parties.

The grievance of the petitioner is that the Rent Tribunal denied the opportunity to cross-examine the witnesses of the plaintiffs whereas the Division Bench of this Court in D.B.Civil Writ Petition No.4374/2004-Aasandas Vs. State of Rajasthan & Ors decided on 13.12.2004 held that such refusal may be in rare case and where the question of facts depends on oral testimony, the cross-examination of the deponent has to be permitted when demanded.

In view of the Division Bench Judgment of this court, the present writ petition is allowed. The impugned order Annex. 9 dated 26.10.2004 is quashed. The petitioner shall have right to cross-examine deponents

of the affidavits, which have been submitted by the plaintiff. The tribunal shall fix the dates for cross-examination of the deponents and it will be the responsibility of each party to keep their witnesses ready for cross-examination on such dates fixed by the tribunal.

(PRAKASH TATIA), J.

c.p.goyal/-.